



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

MQB/174397

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**PRELIMINARY RECITALS**

Pursuant to a petition filed May 17, 2016, under Wis. Stat., §49.45(5), to review a decision by Milwaukee Enrollment Services in regard to Medical Assistance (MA), a hearing was held on June 14, 2016, at Milwaukee, Wisconsin, with the judge appearing by telephone.

The issue for determination is whether the agency correctly closed petitioner's Qualified Medicare Beneficiary (QMB) benefits March 1, 2016.

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

;

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: [REDACTED]  
Milwaukee Enrollment Services  
1220 W. Vliet Street  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner received QMB benefits through February 29, 2016.
3. After reviewing her case in February, the agency issued a notice dated February 11, 2016 informed her that QMB was ending due to income being over the limit. The notice also denied Special Low Income Medicare Beneficiary (SLMB) benefits for the same reason.

4. Petitioner's earned income was \$1,086 monthly. She received \$786 monthly social security disability income. She is eligible for Medical Assistance (MA) under the "MAPP" program.

### **DISCUSSION**

QMB, SLMB, and SLMB Plus are programs which provide assistance with Medicare Part B premiums for persons whose incomes are over the regular Medical Assistance limits. All three programs pay the entire Part B premium. See the MA Handbook, Appendix 32.1.1 for a full description of the programs.

The programs have progressively higher income limits. The QMB income limit for one person is \$990. Handbook, §39.5. The SLMB limit is \$1,188. Handbook, §§32.3 and 39.5. A person qualifies for SLMB Plus if income is below \$1,336.50. Handbook, §§32.4 and 39.5. A person eligible for Medical Assistance is not eligible for SLMB Plus. Handbook, §32.4.1. Since petitioner is eligible for MA she cannot be covered by SLMB Plus.

When petitioner's case was reviewed in February, her only income was the social security and the earned income from [REDACTED]. Determining income eligibility for QMB and SLMB is found in the Handbook, §32.2.3. First monthly earned income is calculated. \$65 is deducted, and then one-half of the remainder is deducted. Thus for petitioner earned income was treated as follows: \$1,083 minus \$65 equals \$1,018. Half of that is \$509. Then gross unearned income is added. The full social security check is added, meaning that even if the person pays her own Medicare Part B premium, the amount before the premium is used. Thus \$509 plus \$786 equals \$1,295. From that a \$20 standard is deducted, leaving net income of \$1,275. That net income is more the \$1,188 SLMB limit, and it is why petitioner lost eligibility to have her Medicare Part B premiums paid by the state for beginning March 1, 2016.

I stress that this change occurred before petitioner reported the low income job at [REDACTED].

Now, it appears that SLMB reopened June 1, 2016, and as best as I can tell, the reason it did so was that someone at the agency changed petitioner's social security from \$786 to \$664 and also reduced petitioner's income from [REDACTED] to \$890.22 per month. Clearly it was wrong to reduce the social security as the reduction was due to the Medicare Part B premium being taken out. The reduction in [REDACTED] income appears to be based upon two May, 2016 paystubs. There also is \$36.48 income from [REDACTED]. Thus I think it is very possible that the re-start of petitioner's SLMB eligibility was erroneous. For purposes of this appeal, however, I find that petitioner was not eligible for the program in the months of March through May, 2016.

### **CONCLUSIONS OF LAW**

Petitioner was ineligible for QMB and SLMB during the months of March through May, 2016.

**THEREFORE, it is**

**ORDERED**

That the petition for review is hereby dismissed.

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

### **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 21st day of June, 2016

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\sBrian C. Schneider  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on June 21, 2016.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability